

Chapter 8.04 - FIREWORKS

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8.04.010 - Authority.

The provisions of this chapter are enacted pursuant to the authority set forth in the State Fireworks Law and particularly in the provisions of Sections 12600 through 12609 of the Health and Safety Code of the state. All definitions therein set forth are adopted. References to all or any portion of the State Fireworks Law refer to such law as amended and as in effect at any given time.

(Prior code § 4-3.201)

8.04.020 - Permits—Required—Exceptions.

- A. Required. It is unlawful for any person to do any of the following without securing a permit from the fire chief:
1. Manufacture, import, export, possess or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wildlife control;
 2. Discharge dangerous fireworks at any place;
 3. Make a public display of fireworks; and
 4. Transport fireworks, except as a public carrier.
- B. Exceptions. The provisions of this section shall not apply to the transportation of safe and sane fireworks by retail licensees or to any purchase at retail or to the use of safe and sane fireworks; nor shall such provisions apply to purchases at retail or to the use of automobile, marine and aircraft signal flares.

(Prior code § 4-3.202)

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8.04.030 - Permits—Applications—Filing.

Any adult person or other group desiring to do any act set forth in [Section 8.04.020](#) of this chapter shall first make a written application for a permit to the fire chief. Applications for such permits shall be made in writing at least thirty (30) days in advance of any proposed fireworks display.

(Prior code § 4-3.203)

8.04.040 - Permits—Applications—Investigations.

The fire chief shall promptly investigate and submit a report of his or her findings and recommendations for or against the issuance of the permits required by the provisions of this chapter, together with his or her reasons therefor, to the council. In making his or her investigations, reports and recommendations, the fire chief shall be guided by those factors which, in his or her experience, he or she has learned materially affect the safety of the citizens of the city and the safety of their property. He or she may also consider the past history of any applicant or the lack of the applicant's experience with fireworks in the city, his or her safety record and any facts related to the applicant's ability to work with the fire department and police department. The fire chief may also consider whether or not the applicant is a charitable, benevolent or patriotic nonprofit organization.

(Prior code § 4-3.204)

8.04.050 - Permits—Granting—Denial.

The council shall have the power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as the council shall prescribe.

(Prior code § 4-3.205)

8.04.060 - Permits—Compliance conditions.

Compliance with the provisions of Sections 12604, 12606, 12608 and 12609 of the Health and Safety Code of the state shall be conditions precedent to the issuance of a permit pursuant to the provisions of this chapter.

(Prior code § 4-3.206)

8.04.070 - Permits—Displays—Granting—Denial.

If the application is for a permit for a public display of fireworks, the fire chief shall make the investigation and grant or deny the application either conditionally or absolutely in accordance with the provisions of Section 12605 of the Health and Safety Code of the state.

(Prior code § 4-3.207)

8.04.080 - Permits—Limitations.

In granting or denying any application for a permit pursuant to the provisions of this chapter, the council or the fire chief, as the case may be, may limit the number of permits granted to any number which is found to be a suitable number of permits which will give the maximum effective control by the public safety departments of the city, taking into consideration the inherently dangerous nature of fireworks and the resultant serious dangers to persons and property likely or possibly resulting from insufficient control and the supervision of their sale and use.

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(Prior code § 4-3.208)

8.04.090 - Sales and displays—License fees.

The sale or display of fireworks is declared to be a business upon which there is fixed, for revenue purposes, a license fee of two hundred fifty dollars (\$250.00) for the portion of any calendar year in which the licensee is granted a permit for that purpose.

(Prior code § 4-3.209)

8.04.100 - Sale and discharge prohibited.

The sale and discharge of "safe and sane" fireworks is prohibited within the city limits.

(Prior code § 4-3.210)